IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 3RD JULY 2006 / 12TH ASHADHA, 1928

Bail Appl..No. 3901 of 2006()

CMP..4788/2006 of J.M.F.C.-I,NEDUMANGAD
(CRIME NO.106/2005 OF EXCISE RANGE, NEDUMANGAD)

.....

PETITIONER/ACCUSED

SISUPALAN, S/O.SREEDHARAN,
CHEKKUMMOODU VEEDU, KOTTAKKAKOM MURI,
ARYANADU VILLAGE, NEDUMANGAD TALUK,
TRIVANDRUM.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR T.K. KUNHABDULLA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/07/2006, ALONG WITH B.A. 3557/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.Nos. 3901/06 AND 3557/2006

DATED THIS THE 3RD DAY OF JULY, 2006

O R D E R

The petitioner is the accused of an offence punishable under Section 8(1) and 8(2) of the Abkari Act. C.R.No.106/2005 was registered against him, by the Excise Range Officials, Nedumangad, alleging that he has illegally possessed twenty two liters of arrack, on 27.12.2005. He could not be arrested as he was evading the Excise Range Officials. However on 3.6.2006, the petitioner was arrested with five liters of arrack and therefore, the Excise Range Officials had recorded the arrest of the petitioner, in C.R.No.106/2005, on 12.6.2006.

2. The prayer of the petitioner is for bail, in both B.A.No.3901/06 in respect of C.R.No.106/05 and B.A.No.3557/06 in respect of C.R.No.39/06 of Excise Range, Nedumangad, registered on 3.6.2006.

3. I heard both sides. The learned counsel

submitted that the petitioner was arrested in connection with C.R.No.106/2005. But the Excise Range Officials had falsely registered the second crime on 3.6.2006, as C.R.No.39/2006.

4. Without entering into any discussion, although C.R.No.106/2005 was pending and he could not be arrested, till 3.6.2006, I grant bail to the petitioner and release him from jail, in both C.R.Nos.106/2005 and 39/2006 of Excise Range, Nedumangad, subject to the following conditions:-

(a). The petitioner shall execute separate bond for Rs.25,000/- each, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-I, Nedumangad.

(b), The petitioner shall report before the investigating officer, once in a week, on every Monday, between 10.00 a.m and 11.00 a.m., for a period of two months, starting from 10.7.2006.

5. If the petitioner is found committing any offence, during bail, the investigating officer may place the fact before the learned Magistrate, who shall accordingly, initiate action against the petitioner, as per the law.

The applications are allowed as above.

J.M.JAMES
JUDGE

mrcs